

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RONALD J. WIEMER, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )      No. 3:04-CV-600  
                        )  
                        )(Phillips)  
PACIFIC LIFE AND ANNUITY,       )  
AMERICAN SPORTS CAR DESIGNS, INC., )  
REX ORR AND CRYSTAL ORR,       )  
                        )  
Defendants.           )

ORDER

This matter is before the court on plaintiff's motion for non-suit as to defendant Pacific Life and Annuity [Doc. 12]. No opposition has been received to the motion. Accordingly, plaintiff's motion is hereby **GRANTED**, and Pacific Life and Annuity is **DISMISSED** as a defendant in this action.

Plaintiff has also moved to remand this action back to Knox County Chancery Court. In support of the motion, plaintiff states that the claims against Pacific Life and Annuity have been non-suited and that the remaining claims against the remaining defendants are claims sounding in tort and contract against Tennessee residents with no diversity of citizenship and no federal question. No opposition has been received to plaintiff's motion. Accordingly, plaintiff's motion to remand this case back to Knox County

Chancery Court [Doc. 13] is **GRANTED**, and this action is hereby **REMANDED** to the Chancery Court for Knox County, Tennessee.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips

United States District Judge